

REMARKS

The present application has been reviewed in light of the Office Action dated June 8, 2009. Claims 19-48 are presented for examination, of which Claims 19, 25, 29, 36, and 45-48 are in independent form. New Claims 43-48 have been added to provide Applicants with a more complete scope of protection. Claims 19-22 and 25-42 have been amended to define aspects of Applicants' invention more clearly. Favorable consideration is requested.

The Office Action states that Claim 19-40 are rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. In response, independent Claims 19 and 25 have been amended to specify that the controller includes a microprocessor. Additionally, independent Claims 29 and 36 have been amended to specify that the controller includes a microprocessor and that the terminating is performed, at least in part, by the microprocessor. Accordingly, it is believed that the rejections under Section 101 have been obviated, and their withdrawal therefore is respectfully requested.

The Office Action states that Claim 19-42 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have carefully reviewed and amended Claim 1-42, as deemed necessary, to ensure that they conform fully to the requirements of Section 112, second paragraph. It is believed that the rejections under Section 112, second paragraph, have been obviated, and their withdrawal therefore is respectfully requested. Should the Examiner disagree, it is respectfully requested that the Examiner issue a further non-final rejection that specifically identifies the claim language believed to be indefinite.

The Office Action states that Claims 19-42 are rejected under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 6,115,137 (*Ogawa et al.*) in view of U.S. Patent Application Publication No. 2003/0123840 (*Fujinami*). For at least the following reasons,

Applicants submit that independent Claims 19, 25, 29, 36, and 45-48, together with the claims dependent therefrom, are patentably distinct from the cited prior art.

The aspect of the present invention set forth in Claim 19 is directed to a wireless communication device. The wireless communication device includes a wireless communication unit, an operation unit, and a controller. The operation unit accepts an operation by a user. The controller includes a microprocessor for controlling the wireless communication device. The controller detects the operation by the user accepted by the operation unit for setting a communication parameter. Based on a signal received by the wireless communication unit, the controller detects another wireless communication device at which another user operation for setting the communication parameter has been made. The controller also performs a process of setting the communication parameter with the other wireless communication device through the wireless communication unit

Notably, the controller terminates the process of setting the communication parameter as a failure, if a plurality of other wireless communication devices, at which user operations for setting the communication parameter have been made, is detected within a predetermined time period after the user operation of the operation unit for setting the parameter is detected. By virtue of the operation of the controller, the communication parameter can be set in two devices only, for example.¹ That is, the operation of the controller prevents the communication parameter from being set in more than two devices.

Ozawa et al. relates to an image processing system for processing an image sensed by a digital camera to be printed by a printing apparatus, and a digital camera and printing apparatus suitable for the image processing system (*see* col. 1, lines 6-10). Applicants agree with

¹ Any examples presented herein are intended for illustrative purposes and are not to be construed to limit the scope of the claims.

the Office Action's conclusion that *Ozawa et al.* fails to disclose a terminating unit that terminates a process of setting a communication parameter, if a detection unit detects a plurality of signals transmitted from a plurality of other wireless communication devices (*see* Office Action, pages 5 and 6).

Fujinami is understood to relate to an apparatus used to interconnect a plurality of household communication apparatuses and an audiovisual apparatus (*see* paragraph 2). *Fujinami* discusses that, when a DVD player 1-1 receives a control signal from a remote control 4, the DVD player 1-1 determines whether the control signal is received by another apparatus (*see* paragraph 88). When another apparatus also has received the control signal, the DVD player 1-1 notifies a user of a failure in setting a source apparatus, and changes its state to a standby state (*see* paragraph 89). Nothing in *Fujinami* teaches or suggests that the DVD player 1-1 detects a plurality of other devices, at which users have performed operations for setting a communication parameter, within a predetermined time period after a user of the DVD player 1-1 performs an operation for setting the communication parameter.

Applicants submit that a combination of *Ozawa et al.* and *Fujinami*, assuming such combination would even be permissible, would fail to teach or suggest a wireless communication device that includes “a controller that includes a microprocessor for controlling the wireless communication device, wherein the controller: detects the operation by the user accepted by the operation unit for setting a communication parameter; detects, based on a signal received by the wireless communication unit, another wireless communication device at which another user operation for setting the communication parameter has been made; performs a process of setting the communication parameter with the other wireless communication device through the wireless communication unit; and terminates the process of setting the

communication parameter as a failure, if a plurality of other wireless communication devices, at which user operations for setting the communication parameter have been made, is detected within a predetermined time period after the user operation of the operation unit for setting the parameter is detected,” as recited in Claim 19 . Accordingly, Applicants submit that Claim 19 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

Independent Claims 25, 29, 36, and 45-48 include features sufficiently similar to those of Claim 19 that these claims are believed to be patentable over the cited art for at least the reasons discussed above. The other claims in the present application depend from one or another of independent Claims 19, 25, 29, and 36 and are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, however, individual consideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and an early passage to issue of the present application.

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Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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